

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DIONDRA MILLER,</b> <i>Plaintiff,</i>  <b>v.</b>  <b>LAW OFFICES OF</b> <b>PATENAUDE &amp; FELIX, A.P.C.,</b> <i>Defendant.</i>	: : : : : : : : :	<b>CIVIL ACTION</b>      <b>NO. 24-cv-2764</b>
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**MEMORANDUM**

**KENNEY, J.**

**DECEMBER 12, 2024**

This case is dismissed sua sponte under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to serve Defendant within ninety days after she filed her Complaint. The court “—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). If a plaintiff shows “good cause” for failure to timely serve a defendant, “the court must extend the time for service for an appropriate period.” *Id.*

Here, pro se Plaintiff filed her Complaint on June 7, 2024. ECF No. 1. The Court issued, mailed, and emailed a summons to Plaintiff for service on Defendant on June 25, 2024. ECF No. 5. However, Plaintiff did not serve Defendant within the ninety-day deadline of September 5, 2024. On its own, the Court extended the time for service to November 11, 2024 and provided notice to Plaintiff that failure to make service by that date would result in the case’s dismissal. ECF No. 6. To date, the docket is silent as to service. Thus, because the time for service has lapsed twice now, and Plaintiff has not shown good cause for failure to make service, this case is dismissed. *See Williams v. Wetzel*, No. 23-1562, 2023 WL 4700650, at \* 2 (3d Cir. July 24, 2023) (“As a threshold

matter, [Rule] 4(m) requires dismissal without prejudice of an action if a defendant is not served within 90 days of the complaint.”). An appropriate order will be issued.

**BY THE COURT:**

/s/ Chad F. Kenney

**CHAD F. KENNEY, JUDGE**